

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Chairut Siriwat,

Plaintiff,

vs.

South Carolina Department of Corrections;
Kathy Hudson; Marsha Sellers; Thomas
Byrne; Capt. Grimes; Capt. McKendly
Newton; Capt. Joseph Deloach; Sgt. Teresa
Ramsey; I/M Jesus Gonzales; Assoc.
Warden John Pate; and Warden George T.
Hagan,

Defendants.

C.A. No.: 4:08-00432-RBH

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. The Report and Recommendation [doc. entry #34] was mailed to the plaintiff on February 6, 2009 [doc. entry #35]. The mail was returned to the court on February 17, 2009 [doc. entry #36] marked "Refused, (RTS), Return to Sender, I/M released." In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the motion filed by defendants [docket entry #21] for summary judgment is **GRANTED**, and this action is dismissed with prejudice on the merits and also pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that any other outstanding motions are deemed **MOOT**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
February 27, 2009